

# **EXHIBIT MM**

JOSH TESTONE June 3, 2009  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a )  
Delaware corporation, ORACLE )  
USA, INC., a Colorado )  
corporation, and ORACLE )  
INTERNATIONAL CORPORATION, )  
a California corporation, )

Plaintiffs, )

VS. )

CASE NO. 07-CV-0658

SAP AG, a German corporation )  
SAP AMERICA, INC., a Delaware )  
corporation, TOMORROWNOW, )  
INC., a Texas corporation, )  
and DOES 1-50, inclusive, )

Defendants. )

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ORAL/VIDEO DEPOSITION OF

JOSH TESTONE

JUNE 3, 2009

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ORAL/VIDEO DEPOSITION OF JOSH TESTONE, produced as  
a witness at the instance of the Plaintiffs, was duly  
sworn, was taken in the above-styled and numbered cause  
on the JUNE 3, 2009, from 8:33 a.m. to 12:52 p.m.,  
before Chris Carpenter, CSR, in and for the State of  
Texas, reported by machine shorthand, at the Rotunda

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12 Q. (By Ms. Hann) Did Titan itself require that  
13 the ID being used belonged to a customer paying for  
14 Oracle support?

15 MR. WILKES: Objection, form.

16 A. No.

17 Q. (By Ms. Hann) Was there anything to stop a  
18 Titan user -- speaking just about the program -- did the  
19 program do anything to stop a Titan user from using  
20 expired credentials?

21 MR. WILKES: Objection, form.

22 A. Not that I'm aware of.

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1 \_\_\_\_\_, 2009; and if returned, the original  
2 transcript will forwarded to Bree Hann, the custodial  
3 attorney;

4 That the amount of time used by each party at the  
5 deposition is as follows:

6 Ms. Hann: 3 hours, 14 minutes

7 I further certify that I am neither counsel for,  
8 related to, nor employed by any of the parties or  
9 attorneys in the action in which this proceeding was  
10 taken, and further that I am not financially or  
11 otherwise interested in the outcome of the action.

12 Certified to by me this 8th day of June,  
13 2009.



15 Chris Carpenter  
16 Chris Carpenter, Texas CSR 1151  
17 Expiration Date: 12/31/2010  
18 805 W. 10th Street  
Austin, TX 78701  
(512) 478-2762

19 Firm Registration No. 17  
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